

**MINUTES OF THE  
CITY PLANNING COMMISSION  
JANUARY 19, 2007  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 9:08 a.m.

**Commission Members:**

***Present:*** Caleb Faux, Rainer vom Hofe, James Tarbell and Scott Stiles

**Community Development and Planning Staff:** Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Adrienne Cowden and Mo Adlon.

**Law Department:**

Julia Carney and Mary Clark

Ms. Wuerstle introduced Mr. Scott Stiles, the designated alternate for Mr. Dohoney

**APPROVAL OF MINUTES**

Submission of the minutes from the December 15, 2006 Planning Commission meeting for approval.

<b>Motion:</b>	Mr. vom Hofe moved approval of minutes.
<b>Second:</b>	Mr. Stiles
<b>Ayes:</b>	Mr. Faux, Mr. Tarbell, Mr. vom Hofe and Mr. Stiles
<b>Nays:</b>	None, <b>motion carried</b>

**CONSENT ITEMS**

**ITEM #1**      A report and recommendation on authorizing the City Manager to enter into a Contract For Sale of City Property For Redevelopment with MetroWest I, LLC, an Ohio limited liability company, for real property located within the MetroWest light industrial site bounded generally by Gest Street, Evans Street and the Baltimore and Ohio (CSX) Railroad tracks in Lower Price Hill to remediate and redevelop into a light industrial/commercial park, which real property is no longer needed for any municipal purpose.

**Motion:**      Mr. vom Hofe moved approval of Item #1

**Second:** Mr. Tarbell  
**Ayes:** Mr. Faux, Mr. Tarbell, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**

## **DISCUSSION ITEMS**

**ITEM #2** A report and recommendation on the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway in East Walnut Hills.

**Mr. Faux recused himself from Item #2 and turned the chair over to Mr. Tarbell.**

### **BACKGROUND:**

In November 2005, residents of Keys Crescent in East Walnut Hills requested closure of the Collins Avenue Stairway between William Howard Taft Road and Keys Crescent.

In response, the City's Department of Transportation and Engineering (DOTE) postponed the repairs planned for the stairway in 2006 and began the Stairway Closure Process that is required by City Council.

As required by the policy, DOTE submitted a report to City Council that:

- Presented general information on Hillside Stairways;
- Provided the policy adopted by City Council to consider closure or removal or stairways;
- Provided background information about the Collins Avenue Stairway specifically;
- Reported the results of the information-gathering portion of the process; and,
- Submitted a recommendation to City Council.

The recommendation was for the stairway to remain open.

City Council considered several actions regarding the request for closure:

- A Motion was adopted September 7, 2006 to close the Collins Avenue Stairway for a period of five years to measure their impact on public safety.
- A Motion was adopted September 20, 2006 directing the City to retain ownership of the Collins Avenue right-of-way for the duration of the five-year closure.

On October 18, 2006, City Council also Approved and Filed two reports from the City Administration stating that 1) the right-of-way would not be vacated or sold and would continue to support water sewer, and overhead utilities during closure; and, 2) the Police Department would gather crime statistics both before and after the closure and report back to City Council in late 2011 on the impact of the closure on public safety.

On December 12, 2006, the City Solicitor requested that the Chief Planner submit the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway to City Planning Commission for its review and consideration, as required by Article VII, Section 5, of the City Charter.

**PUBLIC COMMENT:**

In January 2006, DOTE began the Notification and Information Gathering Phase of the Hillside Stairway Closure/Removal Policy and Procedure. Signs were posted on the stairway for a period of four months giving a contact number for citizens to call to express their opinion about the proposed closure. Surveys were mailed to over 700 neighborhood residents, businesses, schools and other potentially interested parties to gather additional input. A Coordinated Report was circulated to City agencies, utility owners, and Community Councils to gather input.

The results of the Information Gathering Phase showed that the East Walnut Hills Community Council was in support of closure and the East End Community Council opposed the closure. In total, approximately 60% of those responding to the surveys opposed closure (89 out of 152).

Those favoring closure cited:

- Crime
- Litter
- Security concerns
- Support for adjacent property owners

Those opposing closure indicated that:

- They used the stairway as access to public transportation or to the business district
- Its closure would lead to loss of business
- The stairway is an important link between neighborhoods and part of the transportation network
- They used the stairway for exercise

The results of the Information Gathering Phase are detailed more specifically in DOTE's report to City Council.

To ensure that all interested parties were aware of the City Planning Commission's review of this issue, Planning Staff sent notice using the same 700-person mailing list used by DOTE in the Information Gathering Phase. This list included the property owners within 400 feet of the stairs, as is required by City Planning Commission policy. Planning Staff also notified the East Walnut Hills Area Assembly, the East End Community Council, and the Evanston Community Council (the O'Bryonville business district is located within the Evanston neighborhood). Planning Staff also notified those who testified on this issue at the Vibrant Neighborhoods, Environment and Public Services Committee last fall.

**ANALYSIS:**

Cincinnati's public stairway system is an important element of the City's overall transportation network. As DOTE states in their June 28, 2006 report to City Council: "Second only to Pittsburgh in the number of public stairways, Cincinnati has more than 400 sets of stairways climbing its many hillsides. These pathways, spread throughout 48 communities, provide pedestrian access to homes, businesses, bus routes, churches,

schools, parks, recreations centers, playgrounds, and other destinations. In some cases, they provide the only means of access; in nearly all cases, they reduce pedestrian travel time, support the City's transportation system, and are an important cultural resource."

Because these public stairways are so important, the City has defined a policy and process for review of any stairway proposed for closure. DOTE followed the City's Hillside Stairway Closure/Removal Policy and Procedure and, as a result, recommended that the stairway remain open. DOTE stated as part of their rationale: "Public access, including hillside steps, is generally a benefit and consistent with a walkable and connected community. A good pedestrian system can also promote visibility and safety, a sense of community, and physical health. Stairways are an extension of the sidewalk to allow connections across Cincinnati's challenging terrain. Sidewalks are integral to an urban environment. Whenever possible and reasonable, maintaining pedestrian access is preferable." Further, DOTE recommended that the repairs to the stairway, already budgeted for 2006, begin as soon as possible.

Those in support of closure identified crime, litter and other security concerns as the primary reasons for supporting closure. Concerns about crime should, indeed, be seriously considered as safety and perception of safety dramatically influence the quality of life for residents in our neighborhoods. The City's Police Department initially indicated that a review of crime statistics showed no evidence of crime coming from or leading to the stairway. However, on June 9, 2006 Police Chief Thomas Streicher stated in a memo to Eileen Enabnit, Director of DOTE, that the Police Department supported the closure, citing an increase in crime in the neighborhood and evidence of drinking and sexual activity along the stairway. The memo also indicated that the physical condition and location of the stairs could be factors contributing to crime. DOTE's report suggested that the planned improvements, which included clearing much of the encroaching vegetation and ensuring that the stairway is well-lit, may help deter undesirable activity. It was also recommended that DOTE work with the Cincinnati Police Department and the Community Police Partnership Center to incorporate concepts of Crime Prevention Through Environmental Design (CPTED) into the design of the stairway improvements.

Recognizing that physical improvements alone are not the only option to improve safety or the perception of safety, the report recommended that the Police Department continue to work cooperatively with the Neighborhood Watch Program to monitor this area. The Community Councils can also work with their Community Problem Oriented Policing (CPOP) Teams to target this area.

An act as drastic as closing a stairway should be considered with great caution, and should be considered only when no other alternative is reasonably available. In this situation, stairway improvements are budgeted, DOTE has expressed a willingness to incorporate CPTED concepts into the design, and the Police Department and surrounding neighborhoods can continue to work closely to propose strategies and monitor the area. Closing the Collins Avenue Right-of-Way/Collins Avenue Stairway without first attempting to repair it or mitigate safety issues may also set an unwise precedent with

regard to future requests regarding other stairways or any other part of the City's transportation network.

### **CONCLUSIONS:**

1. Cincinnati's public stairway system is an important element of the City's overall transportation network.
2. The Department of Transportation and Engineering followed the City's Hillside Stairway Closure/Removal Policy and Procedure and, as a result, recommended that the stairway remain open and repairs and monitoring begin as soon as possible.
3. Closing a public stairway should be considered as a final alternative only, and closure without first attempting other solutions might set an unwise precedent with regard to future requests regarding the City's transportation network.

### **RECOMMENDATION:**

The staff of the Department of Community Development and Planning recommended that City Planning Commission take the following action:

**Deny** the closure of the Collins Avenue Right-of-Way/Collins Avenue Stairway in East Walnut Hills.

### **DISCUSSION**

Mr. Tarbell explained the use of the Speaker Request Cards. He explained that if a speaker checked the "for" box, it meant that the speaker was for the recommendation of the staff report to keep the steps open. If a speaker checked the "against" box, it meant that they were against keeping the steps open and wanted to see the Collin Street Steps closed. He then conferred with Ms. Julia Carney, Law Department, regarding the quorum and voting due to the low number of Planning Commissioners present. Ms. Carney stated that the presence of four Commissioners constituted a quorum and since Mr. Faux was recused, a vote of two could render a decision.

Mr. Tim Burke, attorney, stated that he felt there was an artificial quorum and that the Commissioners that were absent would be counted with whichever side prevailed. He was uncomfortable with this issue being decided by a vote of two Commissioners.

Mr. Tarbell stated that he concurred with Mr. Burke and recommended that a vote on the matter be postponed until the next City Planning Commission meeting. He stated that he was troubled with the situation because the matter went directly to City Council and should have been addressed by the Planning Commission first. He stated that the City Council voted to temporarily close the steps while repairs were being done. He acknowledged that there were sincere and valid concerns on both sides of the issue and that a delay of the vote would be fair to all parties. Ms. Carney suggested that public testimony also be postponed to allow a greater number of Commission Members to be present. Mr. Tarbell apologized for the postponement and thanked all present for attending. He invited members of the public to call his office if they had any questions.

## **OTHER BUSINESS**

Mr. Faux presented the Commission Members with a memo regarding prospective members of a committee to consider Zoning Code Amendments. He asked the Commissioners if the names submitted were acceptable and the Members concurred that they were. Ms. Wuerstle was instructed to contact each person on the list to determine if they were interested in serving on the committee and to schedule the first meeting.

## **ADJOURN**

**Motion:** Mr. vom Hofe moved to adjourn  
**Second:** Mr. Tarbell  
**Ayes:** Mr. Faux, Mr. Tarbell, Mr. vom Hofe and Mr. Stiles  
**Nays:** None, **motion carried**

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Margaret A. Wuerstle, AICP  
Chief Planner

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Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_